(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

WRIT PETITION NO. 381 OF 2004.

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. S.D. Lotlikar, Senior Advocate with Mr. R.S. Sardesai, Advocate for the Petitioners.

Mr. V.P. Thali, Senior Central Govt. Standing Counsel for the Respondent No.1.

Mr. A.N.S. Nadkarni, Advocate General with Mr. N. Takkeker, Addl. Govt. Advocate for the Respondents No.2 and 3.

CORAM : B.H. MARLAPALLE &
N.A. BRITTO, JJ.

DATE : 21st September, 2004.

P.C.

Heard Mr. Lotlikar, the learned senior counsel with Mr. Sardesai for the Petitioners.

2. Perused the affidavit-in-reply filed on behalf of the Respondents No.2 and 3.

3. This petition filed under Art.226 of the Constitution takes exception to the State

Government's policy framed for granting recognition to Tourist Guides and more particularly the Guides at State level and Local Guides. By referring to the Guidelines framed by the Department of Tourism, Government of India, Mr. Lotlikar submitted that the decision of the State Government under challenge does not follow these Guidelines and there is total arbitrariness in granting recognition at the instance of or sponsored by "Jan Shikshan Sansthan Goa".

4. The Scheme framed by the Department of Tourism, Government of India states that the State Level Guides are to be trained by the State Government and only in specific cases, the Department of Tourism, Government of India would organize training classes wherever the State Government deems it necessary. It has been further clarified that the Department of Tourism, Government of India will not train any State Level

Guides unless the State Government makes a written request in that regard. Similarly the local Guides are required to be trained under the control of the State Government/local administration and the training programme for such Guides is required to be decided by the State Government at its discretion. Educational qualifications as well as age limit have been fixed by both the categories including the selection for Guide training course. For State Level Guides, the State Government is expected to set up a Screening Committee with representatives from the Tourism Department, hotel and private industry and tourist office. The membership of the Interview Committee for State Level Guides has been set out.

5. The only objection raised by the petitioners appears to be the State Government's acceptance of the sponsored candidates by the Institution/Organization called " Jan

Shikshan Sansthan, Goa". The Petitioner No.1 though claims to be the Federation of Tourist Guides, it has not come out with any critical statement regarding the training programme that is being imparted by the "Jan Shikshan Sansthan, Goa" nor does it come out with any alternative programme under its sponsorship or by any other competent body. Merely saying that there is an arbitrariness in sponsoring the Guides at the State Level and local units is not enough to entertain a petition under Art.226 of the Constitution. The affidavit filed on behalf of the Respondents No.2 and 3 has clarified the present selection and we are satisfied that the allegations raised in this petition are devoid of merits.

The petition is rejected summarily.

B.H. MARLAPALLE, J.

sl. N. A. BRITTO, J.